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Durenberger: Casey Can Prosecute Press for Leaks

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Sen. David F. Durenberger (R-Minn.), chairman of the Select Committee on Intelligence, said last night that Washington has been caught up in "an epidemic" of leaks of national security information and that CIA Director William J. Casey has every right to try to stop the leaks by prosecuting publications that print them.

"Bill Casey has had five to six years now of dealing with, and living in, a sieve," Durenberger said in an interview. "He, in part, suffers from problems of his administration's own making. But he has a right to drag out this dusty old [communications espionage] statute and say this has got to be brought to a halt."

Durenberger's remarks were made after a meeting on Capitol Hill with Casey and other senators who, Durenberger said, were "very sympathetic" to Casey's problems.

Casey last week discussed possible prosecution of several news organizations for publishing information about intelligence operations, particularly intercepts of the messages of foreign governments. In a meeting with Washington Post editors last Friday, Casey charged that The Washington Post, The New York Times, The Washington Times, Time and Newsweek had committed "absolutely cold" violations of a 1950 law that prohibits disclosure of classified information about communications intelligence.

A Post article quoting intercepted Libyan messages was published after President Reagan paraphrased several of the communications in a nationally televised speech April 14 announcing the U.S. air raids against Libya.

Durenberger said he did not think the president's disclosures "legitamized [The Post] story. He [the reporter] quoted from a [Libvan] communication, and the statute prohibits doing that."

The senator said it would be better to stop leaks at the source, but that that is often impossible for Casey because the administration "has an inclination to selectively abuse" the rules against unauthorized disclosures.

As a consequence, if Casey is effectively "prevented from finding the source of the leaks, the law says he ought to be able to go against the publication," Durenberger said. "The gun points both ways . . . . Of course, you don't want to make a hero of the newspaper . . . . Lord knows how many reporters might go to jail, go on fasts, become heroes . . . . But the reality is, there's an epidemic in the country right now and your paper is a part of it. You're such a respected journal of public opinion . . . . You're the place to go" with leaks.

Durenberger said the situation has deteriorated to the point that he and Sen. Patrick J. Leahy (D-Vt.), the panel's vice chairman, are considering a 'Leak of the Week' award—similar to the "Golden Fleece" given by Sen. William Proxmire (D-Wis.)—in an effort to draw attention to the problem.

"Bill [Casey] has gotten to the same point," Durenberger said. "He's saying, 'It's time to put the cork in and I've got to put the cork in where I can find the hole to stick it in.' Your paper is one of those holes through which national secrets are pouring."

Justice Department officials are reportedly cool to the idea of prosecuting news organizations. Attorney General Edwin Meese III has yet to state his view.

White House spokesman Larry Speakes said yesterday that any decision "would be a matter of prosecutorial discretion" by the Justice Department.

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